

**CLARK COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES**

**STAFF ANALYSIS
& RECOMMENDATION**

HEARING DATE:
September 10, 2009

DEVELOPMENT NAME:
PACIFIC OAKS SUBDIVISION

CASE NUMBERS:
PLD2009-00023, SEP2009-00039,
HAB2009-00026

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402 PLD



Project Name: PACIFIC OAKS SUBDIVISION

Case Number: PLD2009-00023; SEP2009-00039; HAB2009-00026

Location: 10707 NE 152nd Avenue

Request: The applicant is proposing to divide approximately 20 acres located in an R1-6 zoning district into 103 single-family residential lots in three (3) phases.

Applicant: MSE Planning & Engineering, Inc.
16105 NE 89th Street
Vancouver, WA 98682

Contact Person: Valerie Uskoski
16105 NE 89th Street
Vancouver, WA 98682
(360) 883-0686; (866) 652-4063 [fax]
valerie@msepe.com

Property Owner: Shing Shing Dev .75 Int.
2102 SE 130th Avenue
Vancouver, WA 98664

RECOMMENDATION

**Approve Subdivision with Alternate Phasing Plan [Exhibit 23]
Subject to Conditions**

Team Leader's Initials: ATG **Date Issued:** August 26, 2009

Public Hearing Date: September 10, 2009

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
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Wetland Biologist:	Brent Davis	4152	brent.davis@clark.wa.gov
Fire Marshal Office:	Tom Scott	3323	tom.scott@clark.wa.gov

Comp Plan Designation: UL (Urban Low Density Residential)

Parcel Number: Lot 8 (200538) located in the Southwest quadrant of Section 36; Township 3 North; Range 2 East of the Willamette Meridian

Applicable Laws:

Clark County Code Sections: 40.200 (General Provisions); 40.220.010 (Single-Family Residential Districts, R1-6); 40.350.010 (Pedestrian/Bicycle Circulation); 40.350.020 (Transportation Concurrency); 40.350.030 (Street and Road Standards); 40.370.010 (Sewer); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.500.010 (Procedures); 40.510.030 (Type III Process); 40.520.010 (Legal Lot Determination); 40.540.040 (Subdivisions); 40.440 (Habitat Conservation); 40.450 (Wetland Protection); 40.570 (SEPA); 40.610 & 40.620 (Impact Fees); 15.12 (Fire Code); and RCW 58.17 (State Platting Laws).

Neighborhood Association/Contact:

Greater Brush Prairie Neighborhood Association
 Sam Kim, President
 14915 NE 126th Avenue
 Brush Prairie, WA 98606
 (360) 896-7119
 E-mail: brushprairie@comcast.net

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for

preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on November 25, 2008. The pre-application was determined to be contingently vested as November 6, 2008. The fully complete application was submitted on May 19, 2009 and determined to be fully complete on May 21, 2009. Given these facts the application is vested on November 6, 2008. There are no disputes regarding vesting.

Time Limits:

The application was determined to be fully complete on May 21, 2009 [Exhibit 9]. The applicant placed the application on hold in order to submit additional information. This action extended the deadline by 41 days. Therefore, the County Code requirement for issuing a decision within 92 days lapses on October 1, 2009. The State requirement for issuing a decision within 120 calendar days, lapses on October 29, 2009.

Public Notice:

Notice of application and public hearing was mailed to the applicant, the Greater Brush Prairie Neighborhood Association, and property owners within 300 feet of the site on July 15, 2009. One sign was posted on the subject property and two within the vicinity on August 26, 2009.

Public Comments:

An email was received on July 28, 2009 from John Karpinski on behalf of the Clark County Natural Resource Council. Mr. Karpinski noted that the SEPA checklist indicates there are oaks on the development site, and is concerned that they may be Oregon White Oaks which are a protected Priority Habitat Species.

Staff Response

There are numerous Oregon White Oaks on the property. As a result, the applicant submitted both an Arborist Report for protecting the oaks [Exhibit 8] and a mitigation plan identifying measures to compensate for impacts [Exhibit 7]. These documents have been reviewed by the County's Habitat Biologist in consultation with staff from the Washington Department of Fish and Wildlife (WDFW). It was determined that the applicant's proposal meets habitat requirements of the code provided certain conditions are satisfied (*See Habitat Findings below*). Furthermore, the report and plan address issues raised by (WDFW) during that agency's review of the project [Exhibit 11].

Project Overview

The subject 20± acres are located on the east side of NE 152nd Avenue, approximately 960 feet north of its intersection with NE 102nd Way. There are two existing dwellings and several agricultural buildings currently located on the property. All structures will be removed prior to construction of the phase upon which they are situated.

The revised preliminary plan [Exhibit 13] shows how the applicant proposes to divide the subject property into 103 single-family residential lots in three (3) phases. The following table identifies how many lots will be developed in each phase:

PHASE	PROPOSED LOTS
1	38
2	31
3	34

The plan calls for construction of a new public road, identified as NE 109th Street, extending eastward from NE 152nd Avenue. This roadway will then connect to an internal network of public roads which includes a connection to any future development on adjacent property to the south.

The site is located within the Battle Ground School District, Fire District #5, and Park District #5.

The comprehensive plan designation, zoning, and uses of both the subject and surrounding properties are noted in the following table:

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Low Density Residential	R1-6	Agricultural and homesite
North	Agriculture	AG-20	Agricultural
East	Rural and Urban Low Density Residential	R-10 and R1-10	Private park and single family residential subdivision
South	Urban Low Density Residential	R1-6	Vacant
West	Employment Center	OC	Agricultural and homesite

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts could be mitigated through application of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposal not discussed below comply with the applicable code requirements.

LAND USE:

Finding 1 – Phasing Requirements

The applicant is proposing to develop the subdivision in three (3) phases. In accordance with CCC 40.540.050(D)(4), the applicant shall show:

- a. *The phasing plan includes all land within the preliminary plat;*
- b. *Each phase is an independent planning unit with safe and convenient circulation and with facilities and utilities coordinated with requirements established for the entire subdivision; and*
- c. *All road improvement requirements are assured.*

Finding 2 – Lot Standards

The proposed subdivision is located within an R1-6 zoning district. This zone requires an average minimum lot area of 6,000 square feet and an average maximum area of 8,500 square feet. The zone also specifies that each lot shall have an average width of 50 feet and an average depth of 90 feet.

According to the 'Statutory Warranty Deed' provided with the application materials, there is a 60-foot access and utility easement adjacent to the southern boundary on the western half of the property. This easement, however, is not shown on the revised preliminary plat [Exhibit 13]. In a telephone conversation, the applicant indicated this easement is in the process of being vacated. Since its presence has a significant impact on both the size and dimensions of Lots 4 through 15, it is imperative the easement be vacated prior to development of the subdivision. To ensure such action is taken, a condition to this effect will be imposed (See Condition A-1-a).

Average lot area of the entire development, as shown on the revised preliminary plan [Exhibit 13], will be 6,118 square feet. Average lot area for Phase 1 will be 6,105 square feet, and 7,048 square feet for Phase 2. A review of the revised plan for Phase 3, however, reveals an average lot area of 5,285 square feet [See Exhibit 15B] which does not meet the average minimum lot area of 6,000 square feet established in Table 40.220.010-2 for an R1-6 zoning district. Staff is, therefore, unable to conclude that each phase within the revised preliminary plan [Exhibit 13] can stand as an independent planning unit as required under CCC 40.540.050(D)(4)(b).

The applicant disagrees with staff's determination, and contends "the code does not specifically state each phase must comply with density requirements" [Exhibit 22]. The applicant is correct in this regard. Per Table 40.220.010-2, however, residential densities apply only to Planned Unit Developments. This application is to develop a subdivision so density requirements are not applicable to this proposal.

Although the applicant disagrees with staff's interpretation, an alternate phasing plan [Exhibit 23] has been submitted. The number of lots to be developed in each phase under this plan is as follows:

<u>PHASE</u>	<u>PROPOSED LOTS</u>
1	38
2	24
3	41

Based on a review of this alternate plan, all three phases now meet the average minimum lot size requirements of the R1-6 zone [Exhibit 25]. A condition will, therefore, be imposed that the subdivision be developed in phases as shown on this alternate plan (See Condition A-1-b).

All proposed lots within the three phases meet dimensional standards prescribed by the R1-6 zone.

Finding 3– Setbacks/Lot Coverage

Setbacks prescribed by the R1-6 are as follows:

Front: 20 feet
Street Side: 10 feet
Side: 5 feet
Rear: 5 feet

The applicant has shown building envelopes for those lots that are impacted by driplines of Oregon white oaks being retained and protected on the development site (See *Habitat Findings Below*). Based on scale, it appears these envelopes meet or exceed prescribed setbacks for the R1-6 zoning district as described above. It should be noted, however, that the building envelope shown on Lot 93 does not reflect how the County measures the front setback and/or the side setback along the northern property line. In order to maintain flexibility and future development options on this lot, the applicant may want to consider modifying this envelope on the final plat.

To avoid any confusion at the time of building permit issuance, a condition will be imposed that building envelopes shown on the final plat shall clearly identify distances to all property lines (See Condition D-1). Setbacks for structures constructed on the lots without envelopes will be reviewed during the building permit process.

Maximum lot coverage in an R1-6 zoning district is 50%. To ensure compliance with this code provision, a plat note to this effect will be required (See Condition D-11-a).

Finding 4 – Landscape Buffers

CCC 40.320.010 requires perimeter landscaping and screening between adjoining properties and uses. The degree and height of the required screening is based upon zoning of both the proposed development and the neighboring properties.

Land to the north is zoned AG-20 (Agriculture) while property to the west across NE 152nd Avenue is located in an OC (Office Campus) zoning district. In accordance with Table 40.320.010-1, the following perimeter landscaping scheme is required:

North: L3 landscaped 50-foot buffer
West: L1 landscaped 5-foot buffer

The L1 standard consists principally of groundcover plants; trees and high and low shrubs also are required. There are two (2) ways to provide trees and shrubs to comply with an L1 standard. Shrubs and trees may be grouped. Groundcover plants, grass lawn or approved flowers must fully cover the landscaped area not in shrubs and trees. Where the area to be landscaped is less than ten (10) feet deep, one (1) tree shall be provided per thirty (30) linear feet of landscaped area.

The L3 standard requires enough high shrubs to form a screen six (6) feet high and ninety-five percent (95%) opaque year-round. In addition, one (1) tree is required per thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A six (6) foot high wall or fence that complies with an F1 or F2 standard with or without a berm may be substituted for shrubs, but the trees and groundcover plants are still required.

The revised plan [*Exhibit 13*] identifies a 50-foot agricultural buffer along the northern development boundary which, in part incorporates the stormwater tract. Based on length of the northern property boundary, 43 trees shall be planted within this buffer area. The submitted landscape plan does not show the prerequisite number of trees. This deficiency shall be corrected on the final landscape plan (*See Condition A-2-a*).

A review of the revised preliminary plat reveals that landscape materials planted along the western boundary of the site are situated within the public right-of-way rather than on the development site. CCC 40.320(C)(6) requires landscaping and screening to be located on the perimeter of the project site. Furthermore, this code provision specifically states that required landscaping and screening shall not be located on a public right-of-way or private street easement. The final landscape plan shall, therefore, be revised to show plantings within landscape buffers located on the perimeter of the project site (*See Condition A-2-b*).

The applicant shall install landscaping and irrigation according to an approved landscape plan prior to recordation of the final plat (*See Condition D-2*).

Finding 5 – Landscaping in Right-of-Way

NE 152nd Avenue is identified as an 'urban collector' in the County's Arterial Atlas. As a result, landscaping is required within a planting strip in the right-of-way. The revised preliminary plan [*Exhibit 13*] shows the trees planted with "ground cover and bark mulch under street trees". It is appropriate for Public Works staff to review the proposed plan to ensure it is consistent with that agency's requirements for the type materials allowed

in a right-of-way. The applicant shall contact Karyn Morrison at (360) 397-2446, ext. 1658 in the Clark County Public Works for this review (*See Condition A-2-c*).

Finding 6 – Access Easements

The revised plan calls for Lot 27 to derive access from a 20-foot easement across Lot 26. It shall be noted that this easement also provides access for Lot 26 (*See Condition D-3*). In addition, the joint driveway easement for Lots 40 and 41 shall include Lot 42 (*See Condition D-4*). Similarly, Lot 38 shall be noted as having access from the easement shown serving Lot 39 (*See Condition D-5*). It is unclear whether the applicant intends for Lot 56 to obtain access from the easement serving Lot 57. If it does, it will need to be so noted (*See Condition D-6*).

Finding 7 – Proximity to Forest Zone

In accordance with CCC 40.510.020(D)(5), all plats, building permits or development approvals issued for residential development activities on or within five hundred (500) feet of lands zoned forest (AG-20) shall include a disclosure regarding the property's proximity to designated resource lands. This declaration shall advise of potential conflicts between commercial agricultural activities on nearby lands and said residential development. In the case of subdivisions, such notice shall be provided in the Developer Covenants to Clark County (*See Condition D-10-c*).

Finding 8 – Manufactured Homes

The applicant has not specifically indicated manufactured homes may be placed on individual lots resulting from this proposed subdivision. As a result, pursuant to CCC 40.260.130(A)(2), manufactured homes are prohibited on any lot in this plat (*See Condition D-11-b*).

Finding 9 – Existing Structures

It is the applicant's intention to remove all existing structures from the premises prior to construction of the subdivision. A condition will be imposed to ensure these buildings are removed, with the necessary permits, prior to final construction (*See Condition B-4*). It should be noted that, as part of these demolition permits, the applicant will be required to comply with all applicable asbestos inspection and control regulation in accordance with procedures of the Southwest Clean Air Agency.

Finding 10 – State Platting Standards (RCW 58.17)

With conditions of approval, staff finds the proposed short plat will make appropriate provisions for the public health, safety, and general welfare of the community. Extension and connection of proposed residence to public sewer and water, as well as treatment of any future increase of stormwater runoff will be provided to protect groundwater supply and integrity. Impact fees will also be required to contribute a proportionate share toward the costs of school, park and transportation provisions, maintenance and services.

Conclusion (Land Use): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets land use requirements of the Clark County Code.

ARCHAEOLOGY:

Finding 1 – Historic and Cultural Preservation

A majority of the 20 acre parcel is located within a high (80 - 100 percent) probability area for discovery of archaeological resources, as designated on the Archaeological Predictive Model Map of Clark County. This project is considered a high impact development. Therefore, an archaeological predetermination was required.

Archaeological Services of Clark County (ASCC) performed a survey of the property and recommended no further archaeological work at this time. The report was reviewed by the Department of Archaeology and Historic Preservation (DAHP). The agency concurs with this recommendation. However, a condition will be imposed that in the event any cultural resources are discovered in the course of undertaking development activity for this project, DAHP shall be notified (*See Conditions A-1-c and D-11-c*).

Conclusion (Archaeology): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets archaeology requirements of the Clark County Code.

HABITAT:

Finding 1 – Applicability

Although not mapped on the site, portions of the property qualify as a Priority Habitat under the Washington Department of Fish and Wildlife (WDFW) Priority Habitat and Species list (August, 2009). Specifically, there are Oregon white oaks on the property that meet the state definition of Priority Habitat. Title 40.440.010(C)(4) states "official habitat area definitions shall prevail over countywide mapping in determining applicability of this chapter." The stand observed on the property meets the WDFW definition.

Finding 2 – Mitigation

The applicant will be removing four (4) immature Oregon white oaks with the proposed subdivision. The applicant proposes to mitigate for the habitat impacts by implementing a habitat mitigation plan calling for the placement of snags, bird nest boxes, and oak tree plantings [*See Exhibit 7*]. Additionally, the applicant submitted an arborist report [*Exhibit 8*] that identifies appropriate protection measures/BMP's for the oak trees sustaining some dripline encroachment.

Conclusion (Habitat): Staff finds that the proposed preliminary plan, subject to conditions A-3, D-7, D-11-d, and H-1 meets the habitat requirements of the Clark County Code.

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE

Finding 1 – Priority Habitat

The site is comprised mostly of grazed pasture, extensive blackberry bushes and scattered Oregon white oak, ash, and conifers. The Washington Department of Fish and Wildlife (WDFW) recommends retaining the larger white oak trees on the property. Oregon white oak has been designated as a "Priority Habitat." White oak, Washington's only native oak, comprises distinct woodland ecosystems. The various plant communities and stand age mixtures within oak forest provide valuable habitat that

contributes to wildlife diversity in Clark County. Oregon white oak represents premiere wildlife habitat in part due to its production of acorns as well as its tendency in older oaks to form multiple holes or cavities. Oregon white oak is utilized by more than 200 vertebrate species and a profusion of invertebrate species.

In addition to conserving the large oaks within the subdivision, WDFW recommends that the cluster of smaller oaks growing along the northern border of proposed lot 32, be converted to wildlife reserve trees (snags). Finally, the placement of bird boxes help mitigate for nesting trees lost as part of the land conversion.

As previously noted, the applicant has submitted an Arborist Report for protecting the oaks [Exhibit 8] and a mitigation plan identifying measures to compensate for impacts [Exhibit 7]. These documents incorporate recommendations of WDFW.

DEPARTMENT OF ECOLOGY

Finding 1 – Solid Waste

The Washington Department of Ecology (DOE) submitted a letter, dated July 28, 2009 [Exhibit 16]. This correspondence notes that “all grading and filling of land must utilize only clean fill, i.e., dirt or gravel. All other materials, including waste concrete and asphalt, are considered to be solid waste and permit approval must be obtained through the local jurisdictional health department prior to filling.”

It also encourages the developer to “consider the principles of smart growth, urbanism and green building in order to reduce the impacts from the development”; most specifically those techniques referenced in the LEED (Leadership in Energy and Environmental Design) for Neighborhood Development rating system.

The letter also recommends, to mitigate the impact of the impervious surfaces the applicant to utilize an alternative pervious pavement option as recommended in the Low Impact Development Technical Manual.

The applicant has been provided with a copy of the DOE letter and is encouraged to incorporate the Departments recommendations.

Finding 2 – Toxic Clean-up

The DOE letter also indicates there are no known contaminated sites within a half-a-mile radius of the proposed development site, and advises that “if environmental contamination is discovered on the site it must be reported to Ecology’s Southwest Regional Office.”

The applicant has been provided with a copy of the DOE letter, and is separately responsible for compliance with all state and federal regulations. An advisory condition will be imposed requiring the developers to be alert for contamination during construction, and to notify the Department of Ecology if contamination is discovered (*See Condition B-5*).

Finding 3 – Water Quality

Any discharge of sediment-laden runoff or other pollutants to water of the state is a violation of state statute. It also specifies that “erosion control measures must be in place prior to any clearing, grading or construction” on site and identifies several preventative measures to be taken to ensure such discharge does not occur.” An erosion and dust control plan is required by County Code (See *Condition A-8*). Construction activities will be monitored by inspection staff to ensure compliance with the approved plan.

The DOE letter also notes that the project may require a construction stormwater permit, also known as the National Pollution Discharge Elimination System (NPDES) and State Waste Discharge Permit for Stormwater Discharges Associated with Construction. This permit is required for projects which meet both of the following conditions

- One or more acres of soil surface area will be disturbed by construction activities; and
- The site already has offsite discharge to waters of the state or storm drains or will have offsite discharge during construction.

The applicant has been provided a copy of the DOE letter, and will be required to obtain any permits required (See *Condition G-2*).

Finding 4 – Water Resources

The proponent is responsible for inspecting the site to determine the location of all existing wells. Any unused wells must be properly decommissioned and decommission reports submitted to Ecology as described in WAC 173-160-381. This includes resource protection wells and any dewatering wells installed during the construction phase of the project.

TRANSPORTATION:

Finding 1 – Pedestrian/Bicycle Circulation Plan

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. It does not appear pedestrian circulation to the Hockinson Community Park to the northeast is feasible. The proposal meets the pedestrian circulation code.

Finding 2 – Road Circulation

The applicant's plan includes a connection with proposed Gustafson Subdivision to the south (PAC2008-00198). Gustafson Subdivision proposes circulation to the east to existing Nehalem Subdivision. Circulation to the north is not feasible due to the existence of agricultural land. The project complies with the circulation plan requirements, Section CCC 40.350.030(B)(2).

Finding 3 – Roads

NE 152nd Avenue is classified as an “Urban Collector”, C-2. The required minimum frontage improvements include 30 feet of right-of-way, 19 feet of paved width, curb, sidewalk, and detached 6-foot sidewalk. It appears the applicant has proposed the required frontage improvements.

Per Table 40.350.030-2, the proposed intersection curb return radii at the approach to NE 152nd Avenue shall be at least 35 feet with a minimum 25-foot right-of-way chord. The proposed curb return radii do not meet the minimum requirement. This deficiency shall be corrected on the final engineering plans (*See Condition A-4-a*).

The proposed on-site public roads are required to be consistent with standard detail #14. The minimum standards associated with an "Urban Local Residential Access" road include 46 feet of right-of-way, 28 feet of paved width, sidewalks, curbs, and gutters. It appears the applicant has proposed on-site public roads that meet the minimum improvement requirements.

Per CCC 40.350.030(B)(4)(b)(1)(b), corner lot driveways shall have a minimum separation of 50 feet from intersecting property lines or, where this is impractical, the driveway may be located 5 feet from the property line away from the intersection or be a joint use driveway at this property line (*See Condition A-4-b*).

An emergency access road may be required depending on what is proposed for Gustafson Subdivision to the south. A local access road may serve a maximum of 100 lots. If necessary, the applicant shall provide an emergency access to the proposed subdivision. This could come in the form of a permanent or temporary access to internal proposed NE 153rd Avenue from NE 152nd Avenue. A commercial driveway approach and thickened sidewalk would be required. The proposal shall meet requirements of CCC 40.350.030(B)(4)(b)(4)(a) (*See Condition A-4-c*).

The applicant is responsible for providing all necessary transportation improvements required for each individual phase including temporary turnarounds. The required transportation improvements for each phase will be reviewed during final engineering review (*See Condition A-4-d*).

Finding 4 – Sight Distance

The applicant submitted a sight distance analysis dated March 30, 2009 indicating that, both to north and south along NE 152nd Avenue, sight distance was exceeded.

Approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. The final engineering plans shall show sight distance triangles for all corner lots. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections (*See Condition A-4-e*).

Conclusion (Transportation): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets transportation requirements of the Clark County Code.

TRANSPORTATION CONCURRENCY:

Finding 1 – Trip Generation

The applicant has submitted a traffic study under provisions of CCC 40.350.020 (D)(1). This study indicates that the proposed Pacific Oaks Subdivision will consist of 107 detached single family lots. The applicant's traffic study has also estimated the weekday a.m. peak-hour trip generation at 79 new trips, while the p.m. peak-hour trip generation is estimated at 106 new trips using nationally accepted data published by the Institute of Transportation Engineers.

Finding 2 – Site Access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from 'A' to 'F' and is referred to as level-of-service (LOS). A driver who experiences an LOS 'A' condition would expect little delay. A driver who experiences an LOS 'E' condition would expect significant delay, but the traffic facility would be just within its capacity to serve needs of the driver. A driver who experiences an LOS 'F' condition would expect significant delay with traffic demand exceeding capacity of the facility with the result being growing queues of traffic.

Congestion or concurrency LOS standards are not applicable to site accesses or intersections that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site.

The applicant's traffic study shows that the proposed NE 109th Street will be constructed to serve this development. NE 109th Street will extend from NE 152nd Avenue into the development terminating approximately 100 feet east of the proposed intersection of NE 109th Street/NE 152nd Avenue. The applicant's traffic study also indicates that the proposed intersection of NE 109th Street/NE 152nd Avenue will serve as the primary ingress/egress for the proposed development.

The traffic study indicates that the proposed intersection of NE 109th Street/NE 152nd Avenue will have an estimated LOS 'B' through the 2012 build-out horizon. The study also shows that the LOS was evaluated in the a.m. and p.m. peak hour traffic conditions in existing and build-out scenarios, meeting requirements outlined in CCC 40.350.020 (G)(1)(d) and (f). County staff concurs with the traffic study findings.

Finding 3 – Concurrency

The proposed development is required to meet standards established in CCC 41.350.020(G) for corridors and intersections of regional significance within 2 miles of the proposed development. Typically, the county's transportation model is used to determine what urban area developments are currently being reviewed, are approved, or are under construction in the vicinity of the proposed development. The traffic these developments generate is referred to as "*in-process traffic*" and will ultimately contribute to the same roadway facilities as the proposed development. This "*in-process traffic*" is used to evaluate and anticipate area growth and its impact on intersection and roadway operating levels with and without the proposed development, helping to determine if roadway mitigation necessary to reduce transportation impacts.

The *"in-process traffic"* information that can be obtained from the county's transportation model is from developments that generate 10 vehicle trips or more in the PM peak hour travel time. Developments, in an urban area, that have fewer than 10 vehicle trips (less than 10 single family residential lots) in the PM peak hour travel time do not explicitly get shown in the County's model but are accounted for in a *"background growth rate"* (1% per year). This *"background growth rate"* is a conservative rate to capture the collective effect from all of the smaller developments in the immediate area and out of area traffic also.

Signalized Intersections

The applicant's study shows the two-mile radius study area which included regionally significant signalized intersections. The county's model evaluated the operating levels, travel speeds and delay times for the remaining regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds of delay in the build-out year. Therefore, county staff has determined that this development will comply with adopted Concurrency standards for signalized intersections.

Unsignalized Intersections

County staff performed an evaluation of operating levels and delay standards of unsignalized intersections within the two-mile study area. The county's model indicates that intersections of regional significance in the development area will operate, during both the a.m. and p.m. peak hours, with a LOS better than the minimum allowable LOS 'E' for unsignalized intersections, with the exception of the NE 117th Avenue/NE 107th Street intersection.

The County's Traffix TM model reports a LOS 'F' upon build-out of the proposed development for the intersection NE 117th Avenue/NE 107th Street in its current configuration. County staff has consulted with the WSDOT regarding this intersection and staff from both agencies concur that a traffic signal and other intersection improvements are warranted at this location.

Previous development has encumbered p.m. peak hour trips that cause concurrency failure at the intersection of NE 117th Avenue/NE 107th Street. Because of this concurrency failure, it has been determined that signalization will need to be installed at this location. Previously approved developments that access directly on the western leg have conditions of approval to build this traffic signal.

The applicant's traffic study indicates that there are no trips assigned to the failing approach in the NE 117th Avenue/NE 107th Street intersection. Staff concurs with the applicant's traffic study findings. Because this proposed development will not contribute to the degradation of the NE 107th Street/NE 117th Avenue intersection, additional analysis or mitigation at the intersection of NE 107th Street/NE 117th Avenue is not required.

The County has determined that this development will comply with adopted Concurrency Standards for unsignalized intersections with required mitigations as outlined above.

Concurrency Corridors

Evaluation of the concurrency corridor operating levels and travel speeds represented in the county's model of the study corridors of regional significance, under county Jurisdiction, yielded operating levels and travel speeds with an acceptable level of service.

The county has determined that this development will comply with adopted Concurrency Standards for corridors, signalized and unsignalized intersections under County jurisdiction with required mitigations as outlined above.

The county incurs costs to analyze the proposed development's impacts; therefore, the applicant shall reimburse the County for costs incurred in running the concurrency model (*See Condition A-6*).

SAFETY:

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6). The code states that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020."

Finding 5 – Traffic Signal Warrants

The applicant's traffic study analyzed the intersection of NE 152nd Avenue/NE 109th Street (proposed site access) for signal warrants. The applicant's study concluded that signal warrants were not met for this intersection. Staff concurs with the applicant's findings. Therefore, no further analysis is required.

Finding 6 – Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The submitted traffic study analyzed left turn lane warrants at the site access. The study determined that a left turn lane was not warranted at the site access due to low left turning volumes. Staff concurs with the applicant's findings.

The applicant's study also analyzed the site access on NE 152nd Avenue for right turn lane warrants. The study indicated that a right turn pocket, or taper should be considered. Because of this the applicant's study evaluated the need for a right turn pocket, or taper using the Washington State Department of Transportation (WSDOT) Design Manual right turn guidelines. The applicant's study presented the following findings of fact:

- Accident history, along the site frontage, for the most recent 5 year period does not exceed thresholds that would warrant further analysis;
- Sight distance at the site driveway is over 500 feet in the north and south directions;
- The proposed site access geometrics would not require vehicles to slow greatly below the speed of the through vehicles; and,
- There will be a good LOS at the site access for vehicles entering from the north or south.

Based on the guidelines for creating right-turn lanes and lack of crash history that would be indicative of safety issues at the proposed site access, county staff agrees with the traffic study findings. Therefore, staff believes that construction of a northbound right-turn pocket, or taper would not be necessary to accommodate trips generated by the proposed development.

Finding 6 – Historical Accident Situation

The applicant's traffic study analyzed the accident history obtained from Clark County and WSDOT. The accident history covered a time period between 2003 and 2008. The traffic study determined that the accident rates for the study intersections, in the vicinity of the development, do not exceed thresholds that would warrant additional analysis. Staff concurs with the applicant's findings; therefore, no further analysis is required.

Conclusion (Transportation Concurrency):

Staff finds that the revised preliminary plan, subject to conditions identified above, meets the transportation concurrency requirements of the Clark County Code.

STORMWATER:

Finding 1 – Applicability

The Stormwater and Erosion Control Ordinance (CCC 40.380) applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities not exempted in CCC 40.380.030.

The project will create more than 2,000 square feet of new impervious surface, involves platting of a single-family residential subdivision, and is a land disturbing activity not exempted in CCC 40.380.030. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance (CCC 40.380).

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Finding 2 – Stormwater Proposal

Section B of the preliminary stormwater report [Exhibit 6, Tab 8] indicates that the roads, sidewalks, driveways and planter strips will be directed to a detention facility located to the northeast of the site prior to release into China Ditch. The report states that roofs, lot area drains, and low point drains for the homes will be placed in individual private infiltration systems. Section F of the preliminary stormwater report indicates that the infiltration tests were not performed as infiltration is not proposed with this site. Staff

assumes the latter is correct as hydrological computations show that roof runoffs also will be directed to the proposed detention system. If the applicant chooses to infiltrate the roof runoffs, infiltration testing in compliance with CCC 40.380 will be required prior to final construction approval (*See Condition A-7-a*). The facilities are proposed to be publicly owned and maintained.

As stated in section G of the preliminary stormwater report [*Exhibit 6, Tab 8*], the applicant has proposed to treat stormwater with either a StormFilter (Contech Stormwater Solutions) or biological methods. The applicant has provided general information for StormFilter but has not provided calculations for sizing the system. In addition, the preliminary stormwater report does not include approximate size or location of the bioswale. Furthermore, the project is located within the Lacamas Watershed requiring advanced BMPs for nutrient control in compliance with CCC 40.380.040(B)(5). The preliminary stormwater plan does not propose any of the acceptable BMPs for achieving advanced nutrient control listed in CCC 40.380.040(B)(5)(b). Staff finds that the proposed stormwater treatment is not adequate. Revisions to the stormwater plan, to include advanced nutrient removal, requires a different type of BMP such as wet-pond or constructed wetland. Revisions to the stormwater plan may significantly change the proposed development plans. In such a case, the plans must be resubmitted for review and approval through the post decision process (*See Condition A-7-b*).

Finding 3 – Site Conditions and Stormwater Issues:

Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots (*See Condition A-7-c*).

According to CCC 40.380.050 (B)(8), properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site. An offsite analysis extending a minimum of one-fourth of a mile downstream from the development site in compliance with the provisions of Section CCC 40.380.040(B)(2) is required (*See Condition A-7-d*).

According to the applicant, the proposal includes the release of pre-developed stormwater flows into easements owned and maintained by a Clark County County Drainage District. The applicant shall provide written approval from the applicable drainage district for the stormwater proposal and shall comply with any corresponding requirements (*See Condition A-7-e*).

The preliminary stormwater report identifies the 100-year/24-hour storm precipitation depth as being 4.0 inches with the 10-year/24-hour storm event precipitation depth is 3.0 inches. In addition, the 2-year/24-hour storm event precipitation depth is identified as being 2.0 inches. Clark County isopluvial maps indicate the precipitation depths are closer to 4.8 inches, 3.5 inches, and 2.5 inches. These figures shall be used for the 100-year, 10-year, and 2-year storms, respectively. It is anticipated that both water quantity and quality control facilities will increase in size to accommodate the larger storm events (*See Condition A-7-f*).

The applicant's preliminary stormwater plan does not appear to consider the presence of trees in the southeastern corner of the property for the predeveloped state. This situation shall be corrected (*See Condition A-7-g*).

The proposal shall comply with stormwater quantity control in accordance with provisions of CCC 40.380.040(C)(3)(d) (*See Condition A-7-h*).

Each individual proposed phase shall be designed with sufficient stormwater management facilities and shall comply with CCC 40.380. The required stormwater improvements for each proposed phase will be reviewed during final engineering review (*See Condition A-7-i*).

Conclusion (Stormwater): Staff concludes that the proposed preliminary stormwater plan, subject to conditions identified above, is feasible. Therefore, requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (*See Condition E-1*).

Finding 3 – Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Information from the water purveyor indicates that required fire flow is available at the site and is estimated at 2,000 gpm.

Finding 4 – Fire Hydrants

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads (*See Condition A-9-a*). The local fire district chief, however, approves the exact location of fire hydrants. The applicant shall contact the Vancouver Fire Department at (360) 759-4418 to arrange for location approval (*See Condition A-9-b*).

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection (*See Condition A-9-c*). In addition, the applicant shall provide and maintain a three-foot clear space around the circumference of all fire hydrants (*See Condition A-9-d*).

Finding 5 - Fire Apparatus Access

The roadways and maneuvering areas as indicated in the application meet requirements of the Clark County Road Standards. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus (*See Condition A-9-e and F-1*).

Conclusion (Fire Protection): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

UTILITIES

Finding 1 – Public Water Service

Lots resulting from the proposed subdivision are required to connect to public water. The site is located in the City of Vancouver service area for water. The applicant has submitted a current utility review from this agency confirming that water service is available to the site.

Prior to final plat approval, the applicant shall provide documentation from the City of Vancouver that water connections to the new lots have been installed and approved (*See Condition D-8*).

Finding 2 – Sanitary Sewer Service

The site is not currently situated within any public sewer service area. Clark Regional Wastewater District, however, is finalizing the process for annexing this site and surrounding properties into their service area. The applicant has submitted a current utility review from this agency identifying where sewer connections are located, and indicating that sewer can be provided once annexed into the district.

Prior to final plat approval, the applicant shall provide documentation from this agency indicating that sewer connections to the resulting lots have been installed and approved (*See Condition D-9*).

Finding 3 – Health Department

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter serves as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (*See Condition A-10*).

Conclusion (Utilities): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Finding 1 – Existing Dwellings

There are currently two (2) dwellings on the development site. Based on a review of county building permit records, these residences were constructed at a time when more than one dwelling was allowed on a parcel. Therefore, impact fees will be waived for the two lots within the subdivision. Said lots shall be identified on the final plat (See *Condition D-10-d*).

Finding 2 – Impact Fees

The additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610.

- North Orchards sub-area with a TIF of \$5,539.60 per dwelling (\$2,105.05 local and \$3,434.55 regional);
- Battle Ground School District with a SIF of \$8,290.00 per dwelling;
- Park District #5 with a PIF of \$1,799.00 per dwelling (\$1,359.00 for acquisition and \$440.00 for development);

Impact fees shall be paid prior to issuance of building permits for each new lot (See *Conditions D-10-d and E-2*). If a building permit application is made more than three years following the date of preliminary plat approval, impact fees will be recalculated according to the then-current ordinance rate.

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval); or,

- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS). As lead agency, the county has determined that the requirements for environmental analysis, protection, and mitigation measures are adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws rules, as provided by RCW 43.21.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA. The proposal may include mitigation under applicable codes and the project review. This decision was made after review of a completed environmental checklist and other information on file with the County.

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on July 15, 2009 is hereby final.

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Community Development Department within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Vicki Kirsher, Planner - (360) 397-2375, ext. 4178
Travis Goddard, Team Leader - (360) 397-2375, ext. 4180

Responsible Official: Michael V. Butts

**Public Service Center
Community Development Department
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.clark.wa.gov>**

RECOMMENDATION

Based upon the proposed plan with the alternative phasing plan *[Exhibit 23]* and the findings and conclusions discussed above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A Final Construction Plan Review for Land Division Review & Approval Authority: Development Engineering

Prior to construction, a Final Construction shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

- A-1 Final Construction Plan** - The applicant shall submit and obtain County approval of a final construction plan in conformance to CCC 40.350 and the following conditions of approval:
- a. Evidence shall be submitted demonstrating that the 60-foot access easement running along the southern boundary of the development site has been properly vacated. *(See Land Use Finding 2)*
 - b. The subdivision shall be developed in phases as shown on the alternate phasing plan *[Exhibit 23]*.

- c. Archaeology - A note shall be placed on the face of the final site plan and construction plans as follows:

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines." (See *Archaeology Finding 1*)

A-2 Final Landscape Plan - The applicant shall submit and obtain county approval of a final landscape plan, including landscaping within the public right-of-way, consistent with the approved preliminary landscape plan and the following conditions:

- a. The final landscape plan shall be revised to show 43 trees planted in the 50-foot landscape buffer along the northern boundary of the subdivision. (See *Land Use Finding 4*)
- b. The required 5-foot L1 buffer along the west property line shall be located on the perimeter of the site rather than in the public right-of-way.
- c. The applicant shall contact Karyn Morrison of Public Works at (360) 397-2446, ext. 1658 to arrange for approval of species to be planted within the public right-of-way. (See *Land Use Finding 5*)

A-3 Habitat:

- a. A note shall be placed on the Engineering Construction Plans stating "prior to construction, tree protection fencing shall be installed at the dripline of protected oaks."
- b. All tree protection fencing shall be shown on the face of the Engineering Construction Plans set.
- c. All arborist recommendations and BMP's in Exhibit 7 shall be shown as Engineering Construction Plan notes.
- d. All habitat mitigation planting details shall be included on the Engineering Construction Plans set.

A-4 Final Transportation Plan/On-Site - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. Per Table 40.350.030-2, the intersection curb return radii at the approach to NE 152nd Avenue shall be at least 35 feet with a minimum 25-foot right-of-way chord. (See *Transportation Finding 3*)

- b. Per CCC 40.350.030(B)(4)(b)(1)(b), corner lot driveways shall be a minimum separation of 50 feet from the intersecting property lines or, where this is impractical, the driveway may be located 5 feet from the property line away from the intersection or be a joint use driveway at this property line. *(See Transportation Finding 3)*
- c. The proposal shall meet emergency access requirements set forth in CCC 40.350.030(B)(4)(b)(4)(a). *(See Transportation Finding 3)*
- d. The applicant is responsible for providing all necessary transportation improvements required for each individual phase including temporary turnarounds. *(See Transportation Finding 3)*
- e. The proposal shall meet sight distance requirements in accordance with provisions of CCC 40.350.030(B)(8). *(See Transportation Finding 3)*

A-5 Transportation:

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-6 Final Transportation Plan/Off Site (Concurrency) - The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$2,000. *(See Concurrency Finding 3)*

A-7 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance to CCC 40.380 and the following conditions of approval:

- a. If the applicant chooses to infiltrate the roof runoffs, infiltration testing in compliance with CCC 40.380 will be required prior to final construction approval. *(See Stormwater Finding 2)*
- b. The stormwater plan must be revised to include advanced BMPs for nutrient control in compliance with CCC 40.380.040(B)(5). Significant changes to the proposed development plan will require a post decision review and approval. *(See Stormwater Finding 2)*

- c. Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. *(See Stormwater Finding 3)*
- d. An offsite analysis extending a minimum of one-fourth of a mile downstream from the development site in compliance with the provisions of CCC 40.380.040(B)(2) is required. *(See Stormwater Finding 3)*
- e. The applicant shall provide written approval from the applicable Clark County County Drainage District for the stormwater proposal and shall comply with any corresponding requirements of said District. *(See Stormwater Finding 3)*
- f. Clark County isopluvial maps indicate the precipitation depths are closer to 4.8 inches, 3.5 inches, and 2.5 inches. These figures shall be used for the 100-year, 10-year, and 2-year storms. *(See Stormwater Finding 3)*
- g. The stormwater calculations shall consider the presence of trees in the southeastern corner of the property for the pre-developed state. *(See Stormwater Finding 3)*
- h. The proposal shall comply with the stormwater quantity control requirements described in CCC 40.380.040(C)(3)(d). *(See Stormwater Finding 3)*
- i. Each individual proposed phase shall be designed with sufficient stormwater management facilities and shall comply with CCC 40.380. *(See Stormwater Finding 3)*

A-8 Erosion Control Plan - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

A-9 Fire Marshal Requirements:

- a. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. *(See Fire Protection Finding 4)*
- b. The applicant shall contact the Vancouver Fire Department at (360) 759-4418 to arrange for fire hydrant location approval. *(See Fire Protection Finding 4)*
- c. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. *(See Fire Protection Finding 4)*
- d. The applicant shall provide and maintain a three-foot clear space around the circumference of all fire hydrants. *(See Fire Protection Finding 4)*

- e. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. (See *Fire Protection Finding 5*)

A-10 Health Department Review - Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. (See *Utilities Finding 3*)

A-11 Excavation and Grading - Excavation/grading shall be performed in compliance with CCC Chapter 14.07.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

B-1 Pre-Construction Conference - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

B-2 Erosion Control - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-3 Erosion Control - Erosion control facilities shall not be removed without County approval.

B-4 Demolition Permits - Prior to demolition of structures on the site, the applicant shall obtain demolition permits from the Clark County Building Division. (See *Land Use Finding 9*)

B-5 Contamination - If during the course of construction activities on the site contamination is discovered, it shall be reported to the Washington Department of Ecology. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300 for more information.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/land division plan and the following conditions of approval:

C-1 None

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1** Building Envelopes: Building envelopes shown on the final plat shall clearly identify distances to all property lines. *(See Land Use Finding 3)*
- D-2** **Verification of the Installation of Required Landscape** - Prior to approval of a final plat, the applicant shall provide verification in accordance with Section 40.320.030(B) that the required landscape has been installed in accordance with the approved landscape plan. *(See Land Use Finding 4)*
- D-3** Access Easement: The 20-foot access easement providing access for Lot 27 shall include a note that Lot 26 is also served by this easement. *(See Land Use Finding 6)*
- D-4** Access Easement: The joint driveway easement serving Lots 40 and 41 shall also include Lot 42. *(See Land Use Finding 6)*
- D-5** Access Easement: Lot 38 shall be noted as having access from the easement shown serving Lot 39. *(See Land Use Finding 6)*
- D-6** Access Easement: If Lot 56 is to derive access from the easement serving Lot 57 it shall be so noted on the final plat. *(See Land Use Finding 6)*
- D-7** **Habitat**:
- a. The applicant shall implement the "Oregon White Oak Mitigation Plan" submitted by Ecological Land Services, Inc. and dated June 2009, except as amended herein.
 - b. All habitat areas shall be clearly shown on the face of the Final Site Plan.
 - c. The applicant shall place habitat signage along the habitat boundary at 100-foot intervals or one per lot, whichever is less. Habitat signage shall read "habitat conservation area -- please leave in a natural state."
 - d. The applicant shall submit a financial guarantee acceptable to Planning Director for the proposed mitigation that is adequate to cover required performance and maintenance costs.
 - e. The applicant shall enter all remaining habitat areas into a Habitat Conservation Covenant.
 - f. All mitigation monitoring inspection fees shall be paid prior to Final Plat.
- D-8** The applicant shall provide documentation from City of Vancouver that water connections to the new lots have been installed and approved. *(See Utilities Finding 1)*

D-9 The applicant shall provide documentation from Clark Regional Wastewater District that public sewer connections to the new lots have been installed and approved. (*See Utilities Finding 2*)

D-10 Developer Covenant - A "Developer Covenant to Clark County" shall be submitted for recording to include the following:

- a. Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- b. Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- c. Land Near Agricultural Resources: Land owners and residents are hereby notified that this plat is located within 500 feet of lands zoned agriculture (AG-20) or is in current use under Revised Code of Washington (RCW) Chapter 84.34. Therefore, the subject property is located within or near designated agricultural lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. (*See Land Use Finding 7*)
- d. Impact Fees: "In accordance with CCC 40.610, except for two (2) lots designated on the final plat as waived, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$8,290.00 (Battle Ground School District); \$1,799.00 (\$1,359.00 - Acquisition and \$440.00 - Development for Park District #5); and \$5,539.60 (\$2,105.05 local and \$3,434.55 regional for North Orchards TIF sub-area) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-11 Plat Notes - The following notes shall be placed on the final plat:

- a. Lot Coverage: Maximum lot coverage for all structures on individual lots is fifty percent (50%). (*See Land Use Finding 3*)
- b. Mobile Homes: "Mobile homes are not permitted on any lots subject to the requirements of CCC 40.260.130."

- c. Archaeological: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines." (*See Archaeology Finding 1*)
- d. Habitat: No unauthorized clearing of oaks or associated native understory vegetation shall take place during or after construction. (*See Habitat Findings*)
- e. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."
- f. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- g. Driveways: "No direct access is allowed onto the following streets: NE 152nd Avenue."
- h. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."

E	Building Permits
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	Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (*See Fire Protection Finding 2*)
- E-2 Impact Fees** - The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:
 - a. \$8,290.00 per dwelling for School Impact Fees (Vancouver School District);
 - b. \$1,799.00 per dwelling for Park Impact Fees (\$1,359.00 - Acquisition and \$440.00 - Development for Park District #5);
 - c. \$5,539.60 per dwelling for Traffic Impact Fees (South Orchards TIF Sub-area) - \$2,105.05 local and \$3,434.55 regional;

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate.

F	Occupancy Permits Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1 Fire Marshal** - There shall be an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. (*See Fire Protection Finding 5*)

G	Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant
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- G-1 Land Division** - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

- G-2 Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

- G-3 Building and Fire Safety** - Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

H	Post Development Requirements Review & Approval Authority: As specified below
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H-1 Habitat - The applicant shall monitor all habitat mitigation areas for a period of three (3) years and submit monitoring reports and appropriate fees to the Planning Director. All photo and monitoring data shall be collected during the most recent growing season prior to report submittal.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a "hearing extension" or "open record" and shall pay the associated fee.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;

- The reasons why each aspect is in error as a matter of fact or law;
- The evidence relied on to prove the error; and,
- The appeal fee of **\$716**.

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

The Board of Commissioners shall hear appeals of decisions based upon the written record before the examiners, the examiner's decision, and any written comments received in the office of the Board within the following submittal deadlines measured from the date of the filing of the appeal:

- Fourteen (14) calendar days for the appellant's initial comments;
- Twenty-eight (28) calendar days for all responding comments; and,
- Thirty-five (35) calendar days for appellant reply comments, which are limited to the issues raised in the respondent's comments.

Written comments shall be limited to arguments asserting error in or support of the examiner decision based upon the evidence presented to the examiner.

Unless otherwise determined by the Board for a specific appeal, the Board shall consider appeals once a month, on a reoccurring day of each month. The day of the month on which appeals are considered shall be consistent from month to month as determined by Board.

The Board may either decide the appeal at the designated meeting or continue the matter to a limited hearing for receipt of oral argument. If continued, the Board of Commissioners shall designate the parties or their representatives to present argument, and permissible length thereof, in a manner calculated to afford a fair hearing of the issues specified by the Board of Commissioners. At the conclusion of its public meeting or limited hearing for receipt of oral legal argument, the Board of Commissioners may affirm, reverse, modify or remand an appealed decision.

Attachments:

- Copy of Alternate Phasing Preliminary Plan [Exhibit 23]
- Exhibit List

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Community Development Department
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

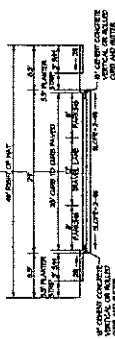
A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

A 3-PHASE SUBDIVISION OF 20.0 ACRES INTO 103 RESIDENTIAL LOTS WITH A MINIMUM AVERAGE 6000 SF LOT AREA. LOCATED IN THE SW 1/4 OF SEC. 36, T3N R2E, W4M OF CLARK COUNTY, WASHINGTON

A 3-PHASE SUBDIVISION OF 20.0 ACRES INTO 103 RESIDENTIAL LOTS WITH A MINIMUM AVERAGE 6000 SF LOT AREA. LOCATED IN THE SW 1/4 OF SEC. 36, T3N R2E, W4M OF CLARK COUNTY, WASHINGTON



PLANT LEGEND		
SYMBOL	BOTANICAL / COMMON NAME	SIZE / QUANTITY
	<i>Acer glabrum</i> 'Plano' Flame Maple or equivalent	1.5' x 1.5' x 1.5' 20 STREET csl. 40 BUFFER
OTHER PLANTINGS		
	Sowdits, Grandcove, Indian Lawn to the discretion of the Owner, 1-5 ft. groups in planter strip.	
	symbol not shown	



TYPICAL INTERNAL STREET CROSS SECTION

DENSITY CALCULATIONS
 GROSS SITE AREA= 20.00 AC
 -15% OF -WATER= 4.378 AC
 -SLOPED/DEVELOP= 1.313 AC
 TOTAL AREA FOR LOTS= 14.309 AC
 1403 LOTS / 14.309 AC = 7.10 D.U./AC
 ACCEPTABLE DENSITY RANGE PER
 CCC 40.252.010 = 600 DENSITY= 7.3 UNITS/ACIDE

1919 GENERATION
 1919 Generation: 1919
 1919 Generation: 1919
 1919 Generation: 1919

EXHIBIT

22

PROJECT INFORMATION

[illegible]

SEVEN PURVEYORS CLAIM REGIONAL MONOPOLY.
 -WALTER PURVEYOR: CITY OF YACONDAVER.
 -ALL PROPOSED PURVEYORS ARE PUBLIC AND PAVED.
 -APPLICANT ACTING ON BEHALF OF
 LAND GRABBER & DEVELOPER:
 185 PLUMBING AND JACKETING INC.
 18105 NE 85TH STREET
 YACONDAVER, WA 98642
 206-933-0888
 CONTACT PERSON (S):
 VALERIE DORRICK

DEVELOPER
13300 NW 31ST COURT
VAN DYKE, WA 98040
CANCER
SHING SHING DEV
2102 DE 12TH AVE
E-MAIL NO FAX

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-11-2011 BY 60322
JAL/STP

PLANNING

CONFIDENTIAL

7

2

Book Title: *Academic Writing for Scientists and Engineers* **Author:** *Thomas A. Scahill* **ISBN:** 0070596309

Abstract

PACIFIC OAKS SUBDIVISION

100-443887-100

NAME OF OFFICE _____
 TITLE _____
 DEPT. OF JUSTICE _____
 WASH., D.C. _____

16105 NE 83TH ST
YAKOVLEV, WA 98682
(206) 893-0686 FAX (866) 652-4063

1331/1

22 DOCUMENTS AND SETTINGS WERE PERFORMED ON THESE PROJECTS 08-10-081126 PACIFIC OCEAN SUBMARINE (PHAS) 06-09 PACIFIC OCEAN SUBMARINE (PHAS) 06-09 8/10/2009 10:45AM



HEARING EXAMINER EXHIBITS

Project Name: PACIFIC OAKS SUBDIVISION

Case Number: PLD2009-00023; SEP2009-00039; HAB2009-00026

Hearing Date: September 10, 2009

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
1		CC Development Services	Aerial Map
2		CC Development Services	Vicinity Map
3		CC Development Services	Zoning Map
4		CC Development Services	Comprehensive Plan Map
5	5/7/09	Applicant: MSE Planning & Engineering	Full Size Maps – Proposed Plan
6	5/7/09	Applicant: MSE Planning & Engineering	Application: Application Form, Pre-App Rpt, GIS Packet, Narrative, Legal Lot Det., Boundary Survey, Stormwater Design Rpt, Wetland Determination, SEPA, Sewer Purveyor, Water Purveyor, School Dist Ltr, Arch Letter, Critical Areas Assessment, Traffic Rpt
7	7/10/09	Applicant: MSE Planning & Engineering	Oregon White Oak Mitigation Plan – Ecological Land Services, Inc.
8	7/10/09	Applicant: MSE Planning & Engineering	Arborist Report
9	5/21/09	CC Development Services	Development Review Fully Complete Determination
10	6/2/09	CC Development Services	Email to Planner re: Placing Project on Hold
11	6/11/09	State of Washington Dept of Fish & Wildlife – Bill Weiler	Letter re: Habitat Program Review
12	7/10/09	Applicant: MSE Planning & Engineering	Oregon White Oak Mitigation Plan – Ecological Land Services, Inc. (<u>Duplicate</u> of Exhibit 7)
13	7/10/09	Applicant: MSE Planning & Engineering	REVISED Full Size Plans
14	7/15/09	CC Development Services	Notice of Type III Development Review, Optional SEPA & Public Hearing
15	7/15/09	CC Development Services	Affidavit of Mailing Public Notice

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
15A	7/20/09	State of Washington Dept of Fish & Wildlife – Ted Labbe	Email re: protection of white oak
15B	7/28/09	CC Development Services	Lot Calculations for Revised Plat [Exhibit 13]
16	7/28/09	Department of Ecology	SEPA Comments
17	7/28/09	John Karpinski	Public Comment Email
18	7/31/09	CC Development Services	Early Issues Email to Applicant
19	8/3/09	State of Washington Dept of Fish & Wildlife – Ted Labbe	Email retracting 7/20/09 comments (Ex. 15A)
20	8/11/09	CC Development Services	Notice of Public Hearing for Sept 10, 2009
21	8/10/09	Applicant: MSE Planning & Engineering	Revised Project Narrative
22	8/10/09	Applicant: MSE Planning & Engineering	Response to Early Issues Email
23	8/10/09	Applicant: MSE Planning & Engineering	Alternative Phasing Plan
24	8/10/09	Applicant: MSE Planning & Engineering	Affidavit of Posting Land Use Sign
25	8/12/09	CC Development Services	Lot Calculations for Alternate Phasing Plan [Exhibit 23]
26	8/23/09	CC Development Services	Staff Report written by Vicki Kirsher

Copies of these exhibits can be viewed at:

Department of Community Development / Planning Division
1300 Franklin Street
Vancouver, WA 98666-9810